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SENATE

REPORT
102-181

CHACOAN OUTLIERS PROTECTION ACT OF 1991

OCTOBER 8 (legislative day, SEPTEMBER 19), 1991.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 772]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 772) to amend title V of Public Law 96-550, designating the Chaco Culture Archaeological Protection Sites, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chacoan Outliers Protection Act of 1991".

SEC. 2. CONFORMING AMENDMENTS.

(a) Section 501 of Public Law 96-550 (16 U.S.C. 410ii) is amended in the title by striking "Congressional findings" and inserting in lieu thereof "Congressional findings and purpose".

(b) Section 501(b) of Public Law 96-550 (16 U.S.C. 410ii(b)) is amended by striking "San Juan Basin;" and inserting in lieu thereof "San Juan Basin and surrounding areas;".

SEC. 3. ADDITIONS TO CHACO CULTURE ARCHEOLOGICAL PROTECTION SITES.

Section 502(b) of Public Law 96-550 (16 U.S.C. 410ii-1(b)) is amended to read as follows:

"(b)(1) Thirty-eight outlying sites as generally depicted on a map entitled 'Chaco Culture Archeological Protection Sites', numbered 310/80,033-B and dated September 1991, are hereby designated as "Chaco Culture Archeological Protection Sites". The 38 archeological protection sites totalling approximately 14,287 acres are identified as follows:

"Name:

Allentown	380
Andrews Ranch	950
Bee Burrow	480

S313-26.

Bisa'ani	131
Casa del Rio	40
Casamero	160
Chimney Rock	3,160
Coolidge	450
Dalton Pass	135
Dittert	480
Great Bend	26
Greenlee Ruin	60
Grey Hill Spring	23
Guadalupe	115
Halfway House	40
Haystack	565
Hogback	453
Indian Creek	100
Jacques	66
Kin Nizhoni	726
Lake Valley	30
Manuelito-Atsee Nitsaa	60
Manuelito-Kin Hochoi	116
Muddy Water	1,090
Navajo Springs	260
Newcomb	50
Peach Springs	1,046
Pierre's Site	440
Raton Well	23
Salmon Ruin	5
San Mateo	61
Sanostee	1,565
Section 8	10
Skunk Springs/Crumbled House	533
Standing Rock	348
Toh-la-kai	10
Twin Angeles	40
Upper Kin Klizhin	60

"(2) The map referred to in paragraph (1) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service, the office of the State Director of the Bureau of Land Management located in Santa Fe, New Mexico, the office of the Area Director of the Bureau of Indian Affairs located in Window Rock, Arizona, and the offices of the Arizona and New Mexico State Historic Preservation Officers.".

SEC. 4. ASSISTANCE TO THE NAVAJO NATION.

Section 506 of Public Law 96-550 (16 U.S.C. 410ii-5) is amending by adding the following new subsection at the end thereof:

"(f) The Secretary is directed, subject to appropriations, to assist the Navajo Nation in the protection and management of those Chaco Culture Archeological Protection Sites located on lands under the jurisdiction of the Navajo Nation through a grant, contract, or cooperative agreement entered into pursuant to the Indian Self-Determination and Education Act (Public Law 93-638), as amended, to assist the Navajo Nation in site planning, resource protection, interpretation, resource management actions, and such other purposes as may be identified in such grant, contract, or cooperative agreement.".

Purpose of the Measure

The purpose of S. 772, as ordered reported, is to expand the system of Chaco Culture Archeological Protection Sites in New Mexico.

Background and Need

Chaco Canyon lies within the San Juan basin in northwestern New Mexico. The canyon contains the archeological remains of the Chacoan Anasazi Indian culture, and was designated as a national monument in 1907. Chaco Canyon was the center of the Anasazi civilization, which emerged and then mysteriously disappeared within a brief 400-year period, from 900 A.D. to 1300 A.D.

After the monument was established, subsequent exploration led to the discovery of a number of outlying sites, some as far as 100 miles from Chaco Canyon. These sites, spread out over 30,000 square miles, were the remnants of a network of outlying commu-

nities, all linked to Chaco Canyon and the other sites by an extensive system of prehistoric roads. In the late 1920's, the monument was expanded to include additional ruins that were ascertained to be of Chacoan Anasazi affiliation.

In the 1950's and 1960's, increased energy and mineral exploration and development in the region led to the discovery of a number of additional Chacoan outlier sites. In 1980, Congress passed Public Law 96–550. Title V of that Act renamed the monument the "Chaco Culture National Historic Park," enlarging the site by approximately 13,000 acres to a total size of approximately 33,990 acres.

The legislation also created a system of Chaco Culture Archeological Protection Sites, consisting of 33 outlying sites totaling approximately 8,800 acres. Unlike the Chaco Culture National Historic Park, these sites are not treated as units of the National Park System. Instead, they are managed primarily by the Bureau of Land Management, the Bureau of Indian Affairs, and the Navajo Nation. The addition or deletion of sites to or from the system may only be authorized by an Act of Congress.

Large deposits of uranium, natural gas, oil and coal are believed to lie beneath the San Juan basin. Energy exploration and development are permitted on and adjacent to the archeological protection sites as long as such exploration and development does not endanger the cultural values of the site.

Legislative History

S. 772, sponsored by Senators Domenici, Bingaman, Bradley, Cochran, and Fowler, was introduced on March 22, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on the bill on June 20, 1991. Last Congress the Committee reported similar legislation, which passed the Senate, although no further action was taken by the House of Representatives.

At the business meeting on September 25, 1991, the Committee on Energy and Natural Resources ordered S. 772, as amended, favorably reported.

Committee Recommendations and Tabulations of Votes

The Committee on Energy and Natural Resources, in open business session on September 25, 1991 by a unanimous vote of a quorum present, recommends that the Senate pass S. 772, if amended as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers*	
Mr. Ford*	
Mr. Bradley	
Mr. Bingaman*	
Mr. Wirth	
Mr. Conrad	
Mr. Akaka	
Mr. Fowler*	
Mr. Shelby*	
Mr. Wellstone	
Mr. Wallop	
Mr. Hatfield	
Mr. Domenici	
Mr. Murkowski*	
Mr. Nickles*	
Mr. Burns	
Mr. Craig	
Mr. Seymour	
Mr. Garn*	

* Indicates voted by proxy.

COMMITTEE AMENDMENT

During the consideration of S. 772, the Committee adopted an amendment in the nature of a substitute. The amendment adds the 480 acre Dittert site and enlarges the Jacques site by 40 acres, in addition to making technical changes. In addition, the amendment adds a provision requiring the Secretary of the Interior to provide assistance to the Navajo Nation for the protection of archaeological protection sites on tribal lands. The amendment is explained in detail in the Section-by-Section Analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the Act the "Chacoan Outliers Protection Act of 1991."

Section 2 makes conforming amendments in Public Law 96-550, the Chaco Culture National Historical Park enabling legislation.

Section 3 amends section 502(b) of the enabling legislation to replace the statutory list of the Chaco Culture Archeological Protection Sites. Previously, there were 33 such sites, totalling approximately 8,771 acres. As amended, there will be 38 sites, totalling approximately 14,287 acres. The section also adds a new paragraph (2), which provides that the map of the protection sites shall be kept on file and available for public inspection in the offices of the National Park Service, the office of the State Director of the Bureau of Land Management, the office of the Area Director of the Bureau of Indian Affairs, and the offices of the Arizona and New Mexico State Historic Preservation Officers.

Section 4 amends section 506 of the enabling legislation to add a new subsection (f). The new subsection would direct the Secretary of the Interior, subject to appropriations, to assist the Navajo Nation in the protection of Chaco Culture Archeological Protec-

tion Sites located on lands under the jurisdiction of the tribe. Such assistance is to be in the form of grants, contracts, or cooperative agreements entered into pursuant to the Indian Self-Determination and Education Act.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, October 2, 1991.

Hon. J. Bennett Johnston, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 772, the Chacoan Outliers Protection Act of 1991, as ordered reported by the Committee on Energy and Natural Resources on September 25, 1991. Enactment of this bill would result in no significant cost to the federal government and in no cost to state or local governments.

S. 772 would expand the number of Chaco culture archeological protection sites administered by the Department of the Interior. The newly added sites are already on public lands and would probably require only minor stabilization, protection and/or interpretation.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

Robert F. Hale
(For Robert D. Reischauer).

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 772. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 772, as ordered reported.

Executive Communications

On June 6, 1991, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 772. These reports had not been received at the time the report on S. 772 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JERRY ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, it is a pleasure to appear before the Committee today in strong support of S. 772, the Chacoan Outliers Protection Act of 1991. We recommend that it be amended as set forth in our testimony and further that it be enacted expeditiously.

If enacted, S. 772 would expand the number of Chaco Culture Archaeological Protection Sites that were established by Congress in 1980 from 33 to 37 sites, totaling approximately 13,767 acres. A map generally depicting these 37 sites would be kept on file in a variety of state and Federal offices in Arizona and New Mexico.

Chaco Canyon National Monument in northwestern New Mexico was established by Presidential Proclamation on March 11, 1907, and enlarged by Presidential Proclamation on January 10, 1928. The monument was set aside to provide for the preservation and interpretation of certain cultural resources, and to facilitate research activities associated with the remains of a prehistoric culture referred to as Chacoan Anasazi that flourished in this region from about 900 A.D. to 1300 A.D. In 1980 Congress changed the name of the monument to the Chaco Culture National Historical Park and at the same time enlarged it by an additional 13,000 acres. The 1980 Act also authorized a system of 33 archaeological protection sites, totaling approximately 9,000 acres that were identified as remnants of the Chacoan cultural system. These "outliers", as they have become known, were not intended necessarily to become Federal properties but rather through cooperative agreements whenever possible to remain in their current ownership. Federal acquisition was permitted only to prevent damage or destruction of the Chacoan resources in the absence of a cooperative agreement. Finally, the Act provided for a continuing program of archaeological research in the San Juan Basin of northwest New Mexico.

The earliest evidence of human occupation in the San Juan Basin dates to about 10,000 years ago, when Paleo-Indian hunters roamed this area. During the period from 500 A.D. to 900 A.D. a gradual evolution occurred as the hunters and gatherers began cultivating crops and establishing permanent dwelling sites. These people, part of a larger culture known as Anasazi, developed more rapidly than other nearby Anasazi cultures, as exemplified by the appearance of half a dozen large pueblos or Chacoan structures. Although evidence is incomplete, it appears that Chaco Canyon was the economic, administrative, and perhaps ceremonial center of a network involving as many as 75 outlying communities spread over an area of 30,000

square miles and connected by a remarkable system of roads.

When Chaco Canyon was first afforded Federal protection in 1907 it was clear what relationship, if any, existed between the Chaco Canyon structures and these outliers. In subsequent investigations these relationships have become better understood, although many uncertainties remain. What is certain, however, is that many of these outliers have been significantly and negatively impacted both by Nature's elements and the hand of man. Inclusion in the Archaeological Protection Sites System affords these sites Federal protection not otherwise available.

S. 772 would add 7 new sites, including the first managed by the Forest Service and located in southern Colorado. Five of these 7 sites have been found to meet criteria established by the Interagency Management Group (IMG) in its 1983 Joint Management Plan as called for in the 1980 Act. Similarly, these additions to the existing sites were found by the IMG to be necessary for adequate protection of newly discovered resources at the sites.

In addition, S. 772 includes Salmon Ruin and Navajo Springs. Salmon Ruin meets the criteria of a classic Chacoan Outlier Site and should be designated for inclusion in the system as determined by the IMG. The Navajo Springs site has only recently been formally evaluated by the IMG, and it, too, meets the criteria for inclusion.

S. 772 would eliminate several sites from the existing system. The Morris 41 site has lost its integrity due to damage by a previous owner. The Las Ventanas Site has been acquired by the National Park Service and incorporated into the El Malpais National Monument. Squaw Springs should be deleted because the Ute Indians strongly prefer to protect and manage their own site. All of these proposed deletions would implement planning decisions of the IMG.

S. 772 also amends the boundaries of a number of components of the system. Some would have increased acreage. while others would be reduced in size. These modifications would result in more accurately reflecting the extent and location of cultural resources found on these sites and we support these changes. We recommend that S. 772 be amended to correctly spell the "Jacques" site and increase its acreage from the current 26 acres to 66 acres to provide for the protection of all associated sites of this location.

We recommend one further amendment to S. 772. We urge that the Dittert Site be added to the bill for inclusion in the Outlier System. It is managed by the Bureau of Land Management and consists of approximately 480 acres. It contains an "L" shaped masonry pueblo with 30 to 35 rooms and a kiva. Two Chaco roads are associated with the site, as well. This site has been approved for inclusion in the system by the IMG. Inclusion of this site as well as the other changes noted above would bring the

total acreage of the system to approximately 14,287 acres and would increase the total number of sites from 33 to 38.

We also note that S. 772 would amend subsection 501(b) of P.L. 96-550 to refer to the "San Juan Basin and surrounding areas." We support this technical amendment as being more accurately reflective of the scope and geographic location of the cultural resources and sites of the system.

S. 772, in our view, has no PAYGO implications.

This concludes my prepared remarks on S. 772, Mr. Chairman. I would be pleased to respond to your questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 772, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 96-550

* * * * * * *

CHACO CULTURE NATIONAL HISTORICAL PARK

[Congressional findings] ***Congressional findings and purpose***

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TITLE V—CHACO CULTURE NATIONAL HISTORICAL PARK

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SEC. 501 (a) * * *

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(b) It is the purpose of sections 410ii to 410ii-7 of this title to recognize the unique archeological resources associated with the prehistoric Chacoan culture in the **[**San Juan Basin;**]** *San Juan Basin and surrounding areas;* to provide for the preservation and interpretation of these resources; and to facilitate research activities associated with these resources.

[SEC. 502. (b) Thirty-three outlying sites generally depicted on a map entitled "Chaco Culture Archaeological Protection Sites", numbered 310/80,033-A and dated August 1980, are hereby designated as "Chaco Culture Archaeological Protection Sites". The thirty three archaeological protection sites totalling approximately eight thousand seven hundred and seventy one acres are identified as follows:

[Name:	Acres
Allentown	42
Andrews Ranch	640
Bee Burrow	40
Bisa'ani	131
Casa del Rio	40
Coolidge	15
Dalton Pass	10

Great Bend	19
Greenlee Ruin	60
Grey Hill Spring	23
Halway House	40
Haystack	115
Hogback	371
Indian Creek	100
Jacques	40
Kin Nizhoni	726
Lake Valley	30
Las Ventanas	31
Morris 41	85
Muddy Water	1,210
Newcomb	44
Peach Springs	985
Pierre's Site	440
Raton Well	23
San Mateo	14
Sanostee	1,565
Section 8	40
Skunk Springs/Crumbled House	588
Standing Rock	321
Twin Angels	40
Toh-la-kai	10
Upper Kin Klizhin	60
Squaw Springs	870]

(b)(1) Thirty-eight outlying sites as generally depicted on a map entitled "Chaco Culture Archeological Protection Sites", numbered 310/80,033-B and dated September 1991, are hereby designated as "Chaco Culture Archeological Protection Sites". The 38 archeological protection sites totalling approximately 14,287 acres are identified as follows:

Name:	
Allentown	*380*
Andrews Ranch	*950*
Bee Burrow	*480*
Bisa'ani	*131*
Casa del Rio	*40*
Casamero	*160*
Chimney Rock	*3,160*
Coolidge	*450*
Dalton Pass	*135*
Dittert	*480*
Great Bend	*26*
Greenlee Ruin	*60*
Grey Hill Spring	*23*
Guadalupe	*115*
Halfway House	*40*
Haystack	*565*
Hogback	*453*
Indian Creek	*100*
Jacques	*66*
Kin Nizhoni	*726*
Lake Valley	*30*
Monuelito-Atsee Nitsaa	*60*
Manuelito-Kin Hochoi	*116*
Muddy Water	*1,090*
Navajo Springs	*260*
Newcomb	*50*
Peach Springs	*1,046*
Pierre's Site	*440*
Raton Well	*23*
Salmon Ruin	*5*
San Mateo	*61*
Sanostee	*1,565*

Section 8	*10*
Skunk Springs/Crumbled House	*533*
Standing Rock	*348*
Toh-la-kai	*10*
Twin Angeles	*40*
Upper Kin Klizhin	*60*

(2) The map referred to in paragraph (1) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service, the office of the State Director of the Bureau of Land Management located in Santa Fe, New Mexico, the office of the Area Director of the Bureau of Indian Affairs located in Window Rock, Arizona, and the offices of the Arizona and New Mexico State Historic Preservation Officers.

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SEC. 506. (a) * * *

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(f) The Secretary is directed, subject to appropriations, to assist the Navajo Nation in the protection and management of those Chaco Culture Archeological Protection Sites located on lands under the jurisdiction of the Navajo Nation through a grant, contract, or cooperative agreement entered into pursuant to the Indian Self-Determination and Education Act (Public Law 93-638), as amended, to assist the Navajo Nation in site planning, resource protection, interpretation, resource management actions, and such other purposes as may be identified in such grant, contract, or cooperative agreement.

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